

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL 2327

THIS DOCUMENT RELATES TO

Powell v. Ethicon, Inc., et al.

Civil Action No. 2:13-cv-01079

ORDER

(Dismissing the “Ethicon Defendants” with Prejudice
and Transferring Cases to MDL 2387)

Pending in this civil action is a Motion to Dismiss With Prejudice, [ECF No. 24], filed by the Ethicon defendants as identified in the motion, and collectively referred to as the “Ethicon defendants” pursuant to the procedures established by Pretrial Order # 302. *See* Pretrial Order (“PTO”) # 302, *In re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation*, No. 2:12-md-2327 (“Ethicon MDL 2327”) [ECF No. 6020]. The plaintiff did not file an objection, and the matter is ripe for consideration.

As stated in PTO # 302, the court established certain procedures to prompt dismissals of settled cases. Under these procedures, the court directed the Ethicon defendants to file a motion to dismiss in each individual case where a plaintiff has provided an executed, valid release, and the defendant has authorized disbursement to the plaintiff of the settlement amount to which the plaintiff’s counsel has agreed. Among other requirements, the court also mandated the Ethicon defendants to file a declaration certifying the completion of certain procedures in conjunction with the motion to dismiss.

The Ethicon defendants complied with these directives and procedures, and the plaintiff has not filed an opposition. It appearing to the court that the plaintiff and the Ethicon defendants have jointly agreed to settle, and have settled their claims, the dismissal of the Ethicon defendants in this civil action is appropriate. Additionally, the court notes that dismissing the Ethicon defendants from this case leaves no active defendants from MDL 2327.

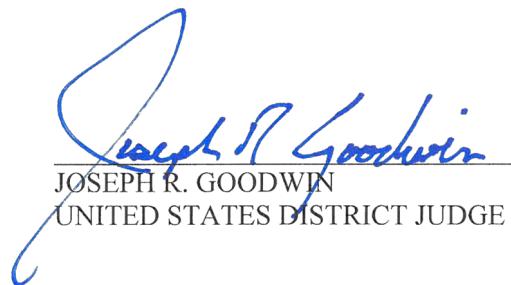
Therefore, it is **ORDERED** that:

- 1) the Motion to Dismiss with Prejudice is **GRANTED**; and
- 2) the Ethicon defendants are **DISMISSED WITH PREJUDICE** from this civil action;
- 3) this action is **TRANSFERRED** to MDL 2387
- 4) to the extent an Amended Short Form complaint has not been filed, plaintiff's counsel is **DIRECTED** to file the appropriate Amended Short Form Complaint, if applicable.

The court **DIRECTS** the Clerk as follows:

- 1) disassociate the civil action as member cases in MDL 2327 and re-associate it with MDL 2387;
- 2) leave the 2327 Wave 8 flag; and
- 3) send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: January 10, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE